6-9-1880

Henrietta Buggert.

46TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1725.

HENRIETTA BUGGERT.

JUNE 9, 1880.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. BARBER, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 1742.]

The Committee on Claims, having had under consideration the bill (H. R. 1742) for the relief of Henrietta Buggert, beg leave to report thereon:

The claim is for crops, household and other personal property alleged to have been destroyed or taken away by the Sioux Indians in their memorable outbreak in the State of Minnesota, in the year A. D. 1862.

The claimant and her husband, Louis Buggert, with their five children, were living upon a farm in the town of Sigel, in the county of Brown, in said State, not far from New Ulm. The outbreak was sudden and unexpected. Buggert with his wife and children sought safety in New Ulm. The danger was so imminent that he was compelled to abandon everything, except a few articles hastily gathered up in the flight. The whole section round about his home was immediately overrun by the savages, and all personal property which could not be carried away wantonly destroyed. Buggert was killed by the Indians on the 23d day of August, 1862, while acting as captain of a company in defense of New Ulm.

After the suppression of hostilities, and in December, 1862, administration was had upon the estate of the deceased Louis Buggert in the probate court of Brown County, Minnesota, and on the 13th day of that month a surviving brother, William Buggert, was appointed administrator of said estate by said court, who accepted such appointment and was duly qualified. The ravages of the Indians and the destruction of property were so widespread and the disaster of such an appalling character that prompt relief upon the part of the general government was universally demanded, and in February, A. D. 1863, an act was passed, not only for the immediate relief of the victims of the outbreak, but designed also to secure permanent indemnity for the losses incurred. (U. S. Statutes at L., vol. 12, pages 652, 653, and 654.)

In pursuance of this act the President appointed A. W. V. White, Eli R. Chase, and Cyrus Aldrich, "for the purpose of ascertaining the amount of said damages and the persons who had suffered the same."

To these commissioners William Buggert, as the administrator of the estate of Louis Buggert, presented a claim for the damages sustained by the estate in the detruction and deportation of property.

The claim appears to have been made out in due form and to have consisted of an itemized account supported by affidavits.

The claim was rejected by the commissioners. The rejection seems to

have been due to a misapprehension of fact. It appears from the evidence submitted to your committee that William Buggert resided near his brother, Louis Buggert; that the brothers were joint owners of a large portion of the property destroyed; that William Buggert was also a claimant in his own right before said commissioners; that in the preparation of their respective claims the joint property was divided, each party claiming for an equal number of acres or bushels, as the case might be. Owing to this circumstance the commissioners fell into the mistake that the claims were identical, the one the duplicate of the other, and, as a consequence, concluded to reject both.

The report of the commissioners to the Secretary of the Interior is found in Ex. Doc. No. 27 to No. 50, first session Thirty-eight Congress, vol. 9, 1863–'64. In their report the commissioners say:

> We have examined and audited two thousand eight hundred and eighteen claims and made awards thereon, which from time to time, with the complaints and proofs in each, have been transmitted to you by mail. Of the cases so audited one hundred and eighty-three have been rejected, and in two thousand six hundred and thirty-five damages have been allowed; no testimony has been offered in seventy-six cases, and forty-six complaints, after being filed and registered, have been withdrawn by the parties or their attorneys. The petitions remaining on our files in which there has been no proof or award are herewith transmitted to you for such disposition as your department or Congress may think proper to make of them.
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> It is proper to say of the cases rejected some were thus adjudicated for want of sufficient evidence, and some because in our opinion they did not fall within the class for which the act contemplated relief.
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> As to a few of the former class it has been represented that, in the pressure of our business, the facts were misapprehended by us and the decision was consequently erroneous. In others that there was a hasty submission on insufficient testimony owing to unavoidable embarrassments, which defect the parties can now supply. Some of the evidence received since our awards were made we herewith transmit to you.

The claim of Henrietta Buggert, through the administrator of Louis Buggert, was one of the class last referred to.

The testimony taken by the commissioners and that subsequently filed in the Interior Department has been furnished to your committee upon application therefor.

The testimony taken before the commissioners was filed in the Interior Department, October 27, 1863, and the additional testimony submitted and filed November 27, 1863.

In the additional testimony so filed is the affidavit of Mr. D. G. Shillock, the attorney of the claimant, who explains the manner in which the schedules were made up. He says:

> When William Buggert, administrator of the estate of Louis Buggert, came to my office and engaged me to prosecute this claim as well as his own, and stating the case of said claim, he told me that he and Louis Buggert, the deceased, had been engaged as partners in farming, each of them having an equal share and interest in farming lands, crops, farming utensils, and stock, and each of them possessing individually some articles of property, consisting of wearing apparel and household goods, and that he and deceased lost most of their partnership property as well as the property that they owned individually by the Sioux Indians. I advised William Buggert, upon (his) statement, to make out two bills of lost property, one for himself and one for the deceased, specifying in each bill the property which they owned individually, respectively, and also to put on his bill, as well as the bill for the deceased, *one-half of the property which they owned in partnership* and lost by the Indians. Some time after this instruction William Buggert again came to my office with two bills or schedules which he told me he had made out according to my instructions, one for himself and one for the deceased. Each of those bills was written in German. From said bills, the schedules and the complaints in this case, as well as in the case of William Buggert, No. 395, were made out.

On March 3, 1868, the Senate passed a resolution directing the Secretary of the Interior to report to the Senate the names of the several claimants for indemnity for depredations by Sioux Indians under act of February 16, 1863, whose claims were unadjudicated upon by the com-

missioners. In obedience thereto, the Secretary of the Interior, under date of March 14, 1868, transmitted to the Senate two schedules of such names: Schedule A, embracing seventy-nine claimants, by whom no proof was submitted, and Schedule B, embracing names of twelve claimants, in regard to whose claims the commissioners reported "the hasty submission on insufficient testimony, owing to unavoidable embarrassment, which defect the parties can now supply." In this Schedule B, containing these twelve names, appears the claim of Louis Buggert, deceased, by his administrator, as No. 287, and also the claim of William Buggert, in his own behalf, as No. 395.

Your committee has carefully examined the testimony originally submitted to the commission, and that subsequently filed in the Interior Department, as aforesaid.

From this examination there is no reason, in the opinion of your committee, to doubt the claimant's right to relief; that Louis Buggert was driven from his home by the savages; that he fled with his wife and children to New Ulm for safety; that the danger was so imminent that he was compelled to abandon substantially all his household furniture, crops, stock, &c.; that he lost his life a few days thereafter in the defense of New Ulm. All this is beyond question.

The only question, in the opinion of your committee, about which there is room for debate, is the extent of the loss in the destruction, deportation, and injury to property. The total amount of loss claimed in schedule filed with the commission is $917.47. After a careful examination of all the evidence, your committee are of the opinion that the loss thus sustained was not less than $750; and that claimant may well be allowed that amount. Your committee, therefore, report back said House bill with the recommendation that it be amended by the insertion of said amount and put upon its passage.